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Financing of the International Residual Mechanism for Criminal Tribunals

Revised budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019

Report of the Secretary-General

Summary

By its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals with two branches, which commenced functioning on 1 July 2012 (the branch for the International Criminal Tribunal for Rwanda) and on 1 July 2013 (the branch for the International Tribunal for the Former Yugoslavia).

By its resolution 72/258, The General Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/72/654), subject to the approval of a commitment authority in an amount not to exceed $87,796,600 gross ($79,993,400 net) for the maintenance of the Mechanism for the one-year period from 1 January to 31 December 2018. After a detailed review of the resource requirements for 2018, including implementing a cost reduction plan, the Mechanism concluded that the approved commitment authority of $87,796,600 gross would not be sufficient to carry out the functions mandated by the Security Council, including trials and appeals, until the end of 2018.

Based on the conclusion reached from the review and on the funding gap and operational risks generated by the current situation, the Secretary-General considers it necessary to seek additional funding by submitting a revised budget for the consideration of the General Assembly at this stage, rather than at the second half of 2018.

Accordingly, the present report, which contains the revised proposed resource requirements for the Mechanism for the biennium 2018–2019, is being submitted for the consideration of the General Assembly. The proposed revised resources for the Mechanism for 2018–2019, before recosting, amount to $183,969,200 gross ($164,374,400 net).

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I. Overview

1. By its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals. The Mechanism is responsible for continuing the jurisdiction, rights and obligations and essential functions of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. In accordance with the aforementioned resolution, the Mechanism has three principal officials — one President, one Prosecutor and one Registrar — and two branches — the Arusha branch, which commenced operations on 1 July 2012, and the Hague branch, which commenced operations on 1 July 2013.

2. The report of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019 (A/72/396 and A/72/396/Corr.1) was considered by the Advisory Committee on Administrative and Budgetary Questions (see A/72/654) and the General Assembly (see resolution 72/258) during the last quarter of 2017.

3. The Advisory Committee, in its related report (A/72/654), recommended that the General Assembly authorize the Secretary-General to enter into commitments in an amount not to exceed $43,898,300 for the six-month period from 1 January to 30 June 2018. The Committee also recommended that the Assembly request the Secretary-General to submit a revised budget proposal for the biennium 2018–2019.

4. The General Assembly, by its resolution 72/258, endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the approval of a commitment authority in an amount not to exceed $87,796,600 gross ($79,993,400 net) for the maintenance of the Mechanism for the one-year period from 1 January to 31 December 2018.

5. The approved commitment authority amount of $87.8 million represents a reduction of $26.2 million (or 23 per cent) compared with the resource requirements proposed by the Mechanism of $114 million (gross) per annum or $228 million (gross) for the 2018–2019 biennium, after recosting.

6. In the light of the above, the Mechanism immediately developed and is implementing a cost reduction plan in order to attempt to bring the level of expenses in line with the approved commitment authority, while fulfilling essential mandated functions. Notwithstanding cost reduction measures, the approved funding level of $87.8 million per annum is not sufficient to allow the Mechanism to carry out the functions mandated by the Security Council, including trials and appeals, in 2018. A review conducted by the Mechanism revealed an annual funding gap of $10.9 million between the commitment authority amount ($87.8 million) and the revised estimates ($98.7 million (gross), which is 50 per cent of the revised proposed requirements after recosting for the biennium 2018–2019), which would pose institutional risks on the operation of the Mechanism.

7. Based on the funding gap and operational risk generated by the current situation, the Secretary-General considers it necessary to seek additional funding by submitting a revised budget for the consideration of the General Assembly at this stage, rather than at the second half of 2018. In so doing, the Secretary-General recalls that the Advisory Committee requested the Mechanism to address the concerns expressed in its report (A/72/654) through the formulation of a revised budget.

8. The present report contains a revised budget for the biennium 2018–2019, which has been prepared after taking full account of the observations and recommendations contained in the report of the Advisory Committee (A/72/654). The proposed

requirements amount to $183,969,200 gross (before recosting) and represent a decrease of 14.6 per cent compared with the estimates before recosting of $215,438,800 gross proposed in the initial report of the Secretary-General (A/72/396 and A/72/396/Corr.1).

9. In addressing the concerns raised by the Advisory Committee, the Mechanism carried out a full review of all ad hoc functions and related temporary staffing needs. Based on that review, the revised budget reflects a reduction under non-post items to meet the absolute minimum operational needs and additional functions taken over by the Mechanism, following the closure of the International Tribunal for the Former Yugoslavia. Furthermore, the revised staffing levels have been allocated on the basis of operational requirements at each branch. The difference between the proposed staffing levels in Arusha and The Hague is due primarily to the higher level of judicial activity projected at the Hague branch during the biennium 2018–2019. It should be noted that, pursuant to the statute of the Mechanism, judicial work is to be conducted in the branch of the Mechanism from which it originally derived.

10. In line with the recommendation of the Advisory Committee, the present revised budget proposes that the Prosecutor (Under-Secretary-General) and the Special Assistant (P-4) not be redeployed from the Arusha branch to the Hague branch.

11. General operating expenses have been revised and reduced to the greatest extent possible, through such measures as reducing operating hours and staff access to the Mechanism premises, reconfiguring the housing of staff in the Hague premises to reduce the number of floors in use, and restructuring the delivery of other essential services, such as cleaning services. Detention-related requirements have been adjusted to reflect intervening developments, which include transfers of convicted persons to designated enforcement States, and reflect the minimum operational needs at both branches.

12. Likewise, enhancements to the Arusha premises have been reduced to those strictly necessary, to respond to security concerns. In The Hague, improvements to the premises are limited to the bare minimum required for safety and health and in accordance with existing contractual provisions with the landlord.

13. The Mechanism also reviewed its overall vehicle holdings and has proposed no replacement of vehicles at this stage, and no provision has thus been made in the revised budget for the acquisition of vehicles. In addition, the revised budget does not propose the inclusion of additional consultancy resources to support the evaluation by the Office of Internal Oversight Services (OIOS), nor does it contain any provision for additional resources in support of the liquidation of the International Tribunal for the Former Yugoslavia.

14. The continuous activities of the Mechanism comprise all activities mandated by the Security Council in its resolution 1966 (2010) that are ongoing in nature, that is, activities that are required to be carried out at all times, irrespective of whether the Mechanism is conducting any trials or appeals. Such activities include the protection of witnesses, the supervision of enforcement of sentences, the provision of assistance to national jurisdictions and management of the archives. While they currently also include the tracking of the remaining fugitives, the Prosecutor proposes that those functions be categorized as ad hoc activities in the budget for the reasons given below.

15. The ad hoc activities of the Mechanism are those activities mandated by the Security Council in its resolution 1966 (2010) that occur from time to time and include primarily the conduct of trials and appeals, as well as transitional functions connected with the closure of the two Tribunals. The ad hoc activities require additional resources, but not on a continuous basis.

16. During the biennium 2016–2017, the Mechanism implemented its mandated continuous and ad hoc functions effectively. It has been responsible for witness support and protection functions since the opening of the corresponding branches in relation to thousands of protected witnesses who have testified in completed cases tried by the Tribunals or the Mechanism, as well as to those witnesses who may appear before the Mechanism. The Mechanism assumed jurisdiction over enforcement issues, including the authority to designate enforcement States, to supervise the enforcement of sentences and to determine requests for pardons or commutation of sentences for convicted persons already serving their sentences. Moreover, the Mechanism routinely received requests from national authorities for assistance with investigations, prosecutions and trials of individuals charged in relation to the armed conflicts in Rwanda and the former Yugoslavia. Furthermore, it managed the archives of the two Tribunals in accordance with international standards. Finally, the Office of the Prosecutor continued its efforts towards the apprehension of the remaining fugitives from the International Criminal Tribunal for Rwanda.

17. In addition, the Mechanism assumed responsibility for the retrial of the *Stanišić and Simatović* case ordered by the International Tribunal for the Former Yugoslavia and for appeals proceedings in two cases tried by that Tribunal (*Šešelj* and *Karadžić*). The Mechanism arrested and enforced the sentence of one person convicted of contempt by the International Tribunal for the Former Yugoslavia and monitored five International Criminal Tribunal for Rwanda cases referred to national jurisdictions, while dealing with a wide variety of other judicial matters. With the closure of the International Criminal Tribunal for Rwanda at the end of 2015, the Mechanism assumed responsibility for additional functions and outstanding liquidation activities of that Tribunal. In the light of the closure of the International Tribunal for the Former Yugoslavia at the end of 2017, the Mechanism furthered the progressive establishment of its self-standing Administration. Furthermore, the Mechanism completed the construction phase of its premises in Arusha on 1 December 2016.

18. During the biennium 2018–2019, the Mechanism: (a) continues to perform its mandated continuous functions as described above; (b) is responsible for one retrial and three appeals on the merits while continuing to monitor referred cases of the International Criminal Tribunal for Rwanda and address a variety of judicial requests; (c) is completing the transition towards becoming a fully self-administered institution following the closure of the International Tribunal for the Former Yugoslavia; and (d) is responsible for any residual liquidation activity of the International Tribunal for the Former Yugoslavia in 2018.

19. For the biennium 2018–2019, no new or additional functions for the Office of the Prosecutor are foreseen. However, in order to enhance the effectiveness of the team tracking the remaining fugitives from the International Criminal Tribunal for Rwanda, it is proposed that the tracking team be refocused in the form of an interdisciplinary task force encompassing tracking, investigation and legal matters in Arusha.

20. The budget for the biennium 2016–2017 included provisions for trials of fugitives indicted by the International Criminal Tribunal for Rwanda that fall under the jurisdiction of the Mechanism. It is proposed that this approach be changed for the biennium 2018–2019. In the interest of containing the level of the overall appropriation, the proposed budget does not include provisions in support of the trial of fugitives. Should a fugitive be apprehended, the Mechanism will submit revised estimates to cover any additional requirements that cannot be met within existing resources.

21. Heightened judicial activity in the current biennium includes the ongoing retrial of Jovica Stanišić and Franko Simatović and the ongoing appeals proceedings in the *Šešelj*, *Karadžić* and *Mladić* cases. At the time of writing, it was anticipated that the

appeal judgment in the *Šešelj* case would be delivered in April 2018. In addition, the Mechanism anticipates handling three contempt cases. The Mechanism will also continue to receive a wide variety of requests pertaining to both branches, both continuous and ad hoc in nature, in relation to review, revocation of referral of cases to national jurisdictions, compensation for violations of fair trial rights, disclosure of exculpatory material, cooperation, variation of protection measures, access to confidential material and changes in classification of confidential material and other matters. Five International Criminal Tribunal for Rwanda cases (*Bucyibaruta*, *Munyeshyaka*, *Uwinkindi*, *Munyagishari* and *Ntaganzwa*) referred to two national jurisdictions will continue to be monitored. The projected judicial workload represents the highest level of judicial activity that the Mechanism has faced since inception.

22. In its resolution 1966 (2010), the Security Council requested the Mechanism to cooperate with the countries of the former Yugoslavia and with Rwanda, as well as with interested entities, to facilitate the establishment of information and documentation centres by providing access to copies of public records of the archives of the Tribunals and the Mechanism, including through their websites. Moreover, in its resolution 2256 (2015), the Council encouraged the Mechanism and the Government of Rwanda to collaborate on matters related to the legacy of the International Criminal Tribunal for Rwanda with respect to reconciliation and justice in Rwanda, including in respect of access to archives. In line with those resolutions, the Mechanism will continue to perform ad hoc activities, including the translation of judgments of the International Criminal Tribunal for Rwanda into Kinyarwanda and the redaction of the audiovisual records of that Tribunal's judicial proceedings in Arusha, as well as the certification and digitization of the judicial records of the International Tribunal for the Former Yugoslavia in The Hague, with a view to enhancing public access to that material. However, in the interest of containing the level of the overall resource requirements, the proposed budget assumes the reduction of the pace of such activities in the current biennium.

23. For the first time since its inception, the Mechanism will carry out its operations without the assistance of its predecessor Tribunals, in particular with respect to administrative support services. The phased assumption of administrative responsibilities by the Mechanism was a deliberate strategy, which made possible the realization of economies of scale, including through double-hatting arrangements. Following the closure of the International Tribunal for the Former Yugoslavia in December 2017, all Tribunal-financed posts in support of the Mechanism's administrative functions in the Hague branch were abolished. Consequently, the Mechanism was required to establish additional core administrative capacity to provide support for the administrative functions previously covered by double-hatted posts in the Tribunal. At the same time, the proposed budget for 2018–2019 also foresees growth under non-post items as a result of the closure of the Tribunal and the consequential discontinuation of funding in respect of shared common services, which, beginning in 2018, fall fully under the responsibility of the Mechanism. The double-hatting and cost-sharing arrangements with the two Tribunals allowed the Mechanism to benefit from significantly lower resources than would have otherwise resulted had the Mechanism been operating as a self-standing institution since inception. The discontinuation of such arrangements had a significant impact on the resource growth for the biennium 2018–2019. In addition, that institutional shift occurred at a time of unprecedented judicial activity for the Mechanism, which called for the provision of additional support from administrative services. However, all efforts have been made to contain this unavoidable resource growth to the extent possible, including by streamlining to a minimum the provision of services required to support the activities expected in 2018–2019. In that regard, it should be noted that only one of the two remaining field offices in the former Yugoslavia will be maintained, which will carry out required field-related activities out of Sarajevo.

24. The Mechanism took responsibility for completing minimal outstanding liquidation activities at the International Tribunal for the Former Yugoslavia from 31 December 2017. Already completed liquidation activities by the Tribunal included the abolishment of over 1,000 posts and the separation of relevant staff; the disposal of 90 per cent of assets; and the termination or re-establishment in the Mechanism's name of 95 per cent of the Tribunal's commercial contracts. In the initial proposed budget submission for 2018–2019, a provision was made in the amount of $462,200 gross to support such minimal liquidation activities at the Tribunal. In the light of the progress made and pursuant to the recommendation of the Advisory Committee, no provision has been made in the Mechanism's revised budget for liquidation activities. It is recalled that resources pertaining to final remuneration and separation entitlements accrued up to 31 December 2017 by staff members of the International Tribunal for the Former Yugoslavia have been provisioned under the budget of the Tribunal and reported to the General Assembly in the second performance report for the biennium 2016–2017 (A/72/604).

25. The overall revised level of resources required for the Mechanism for the biennium 2018–2019 amounts to $183,969,200 gross (before recosting), of which $116,120,500 relates to the Hague branch, including resources for OIOS audit and evaluation, $58,074,800 to the Arusha branch, $9,555,800 to accrued liabilities relating to pensions of judges and after-service health insurance of former staff of both Tribunals, and $218,100 to Mechanism support in New York.

26. The Mechanism proposes an overall increase of 8 temporary posts, compared with the existing 177 temporary posts approved in the biennium 2016–2017 for both branches. The increase is due to the proposed establishment of the post of Registrar in Arusha, six posts in the Security Section in Arusha and one post for the office of the resident auditors of OIOS.

27. The proposed budget reflects an increase over the 2016–2017 budget in the number of general temporary assistance positions that provide support to both the judicial and the administrative capacity of the Mechanism at the two branches. The increase is due to: (a) the expanded judicial activity in the light of one ongoing complex retrial of two high-level accused persons and three ongoing appeals cases, which represents the highest level of judicial activity that the Mechanism has experienced since its establishment; (b) the consequential increase in the provision of administration services by the Mechanism itself, following the closure of the International Tribunal for the Former Yugoslavia and the ensuing discontinuation of its administrative support to the Mechanism through double-hatting and cost-sharing arrangements; (c) the proposed temporary strengthening and refocusing of the fugitives tracking team of the Office of the Prosecutor into an interdisciplinary task force for tracking, investigation and legal matters in Arusha; (d) the completion of the assessment of the required general services component in Arusha, following the move into the new purpose-built premises; and (e) the transitional activities aimed at enhancing access to the records of the International Criminal Tribunal for Rwanda so that it is consistent with the access that defence counsel, national prosecutors and other authorities have to evidentiary material in The Hague. The increase under the above-mentioned activities has been scaled down compared with the initial submission and reflects only the minimum required to allow the Mechanism to discharge those functions.

28. The proposed revised budget also reflects a reduction of $821,000 made possible through other efficiencies that the Mechanism plans to bring about in the biennium 2018–2019. The proposed reduction is a result of the efforts of the Mechanism to apply the anticipated Umoja efficiencies presented in the eighth progress report of the Secretary-General on the enterprise resource planning project (A/71/390) to individual day-to-day operations. The Umoja efficiencies set out in that report were

based on the experience of the Organization with the system, anticipated future changes, including future roll-outs, a global review of end-to-end processes, the retirement of legacy systems and improvements to business process and planning capabilities. Efficiencies were expressed, inter alia, as the dollar value of a full-time equivalent, where applicable. For the Mechanism, this translates to non-post reductions of $821,000, which fall under the Registry.

29. The recosting of the proposed budgetary provisions contained in the present report is in line with the recosting methodology. It will be recalled that the Advisory Committee, in paragraph 19 of its report (A/72/654), recommended that specific vacancy rates be applied to new posts, including a rate of 50 per cent for the Professional and higher categories and a rate of 35 per cent for the General Service and related categories. Accordingly, a vacancy rate of 50 per cent for new posts has been applied for the Professional and higher categories and 35 per cent for the General Service and related categories. In the case of continuing posts, average vacancy rates have been applied as follows: (a) the Hague branch: 7.5 per cent for the Professional and higher categories and 1.3 per cent for the General Service and related categories; and (b) Arusha branch: 8.1 per cent for the Professional and higher categories and 1.6 per cent for the General Service and related categories.

30. Extrabudgetary resources for the biennium 2018–2019, estimated at $600,000, will be utilized for a variety of activities to provide support for the work of the Office of the Prosecutor and the Registry. The estimated level of extrabudgetary resources reflects an increase of $487,000 compared with 2016–2017 levels, as a result of the anticipated takeover by the Mechanism of a project previously managed by the International Tribunal for the Former Yugoslavia following the closure of that Tribunal at the end of 2017.

31. The 2016–2017 resources reflect the final appropriation approved by the General Assembly in its resolution 72/258 and have been used as the basis of comparison with the revised estimates for the biennium 2018–2019. The distribution of resources proposed for the Mechanism for the biennium 2018–2019 is shown in tables 1 to 3.

Table 1
Distribution of resources by component

(Percentage)

Component	*Assessed budget*	*Extrabudgetary*
Arusha branch		
A. Chambers	0.4	–
B. Office of the Prosecutor	6.2	–
C. Registry	21.6	–
D. Archives	3.3	–
Subtotal	**31.5**	–
Hague branch		
A. Chambers	2.1	–
B. Office of the Prosecutor	9.5	81.2
C. Registry	49.6	18.8
D. Archives	2.0	–
Subtotal	**63.2**	**100.0**

Component	*Assessed budget*	*Extrabudgetary*
Mechanism support, New York	0.1	–
Subtotal	**0.1**	–
Liabilities for payment of pensions of retired judges and after-service health insurance for former staff members	5.2	–
Subtotal	**5.2**	–
Total	**100.0**	**100.0**

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) Assessed budget

Component	*2016–2017 expenditure*	*2016–2017 final appropriation*	*Resource changes*					*Total before recosting*	*Recosting*	*2018–2019 estimate*
			Technical adjustments (non-recurrent)	*Resource growth*	*Other*	*Total*	*Percentage*			
A. Chambers										
1. Arusha branch	371.0	415.9	–	349.5	–	349.5	84.0	765.4	24.3	789.7
2. Hague branch	2161.0	2 622.2	–	1 243.1	–	1 243.1	47.4	3 865.3	401.7	4 267.0
Subtotal	**2 532.0**	**3 038.1**	**–**	**1 592.6**	**–**	**1 592.6**	**52.4**	**4 630.7**	**426.0**	**5 056.7**
B. Office of the Prosecutor										
1. Arusha branch	7 608.0	7 321.8	–	4 169.9	–	4 169.9	57.0	11 491.7	413.0	11 904.7
2. Hague branch	13 939.0	13 829.3	–	3 644.2	–	3 644.2	26.4	17 473.5	1 773.5	19 247.0
Subtotal	**21 547.0**	**21 151.1**	**–**	**7 814.1**	**–**	**7 814.1**	**36.9**	**28 965.2**	**2 186.5**	**31 151.7**
C. Registry										
1. Arusha branch	36 276.0	38 151.4	–	1 865.3	(290.7)	1 574.6	4.1	39 726.0	386.0	40 112.0
2. Hague branch	54 860.0	55 600.4	–	35 324.2	(530.3)	34 793.9	62.6	90 394.3	9 338.8	99 733.1
3. OIOS: audit and evaluation (The Hague)	–	–	–	654.4	–	654.4	–	654.4	(111.6)	542.8
4. Mechanism support, New York	275.0	218.1	–	–	–	–	–	218.1	119.6	337.7
Subtotal	**91 411.0**	**93 969.9**	**–**	**37 843.9**	**(821.0)**	**37 022.9**	**39.4**	**130 992.8**	**9 732.8**	**140 725.6**
D. Records management and archives										
1. Arusha branch	3 697	4 042.4	–	2 049.3	–	2 049.3	50.7	6 091.7	201.2	6 292.9
2. Hague branch	3 332	3 762.6	–	(29.6)	–	(29.6)	(0.8)	3 733.0	334.7	4 067.7
Subtotal	**7 029.0**	**7 805.0**	**–**	**2 019.7**	**–**	**2 019.7**	**25.9**	**9 824.7**	**535.9**	**10 360.6**

Component	2016–2017 expenditure	2016–2017 final appropriation	Resource changes: Technical adjustments (non-recurrent)	Resource changes: Resource growth	Resource changes: Other	Resource changes: Total	Resource changes: Percentage	Total before recosting	Recosting	2018–2019 estimate
E. Liabilities for payment of pensions of retired judges and after-service health insurance for former staff members	3 266.0	3 379.6	–	6 176.2	–	6 176.2	182.7	9 555.8	507.9	10 063.7
F. International Criminal Tribunal for Rwanda liquidation expenditures	2 534.0	2 622.4	(2 622.4)	–	–	(2 622.4)	(100.0)			
Total requirements (gross)	**128 318.0**	**131 966.1**	**(2 622.4)**	**55 446.5**	**(821.0)**	**52 003.1**	**39.4**	**183 969.2**	**13 389.1**	**197 358.3**
Income										
Income from staff assessment	12 370.0	11 381.4	(87.0)	8 347.9	(47.5)	8 213.4	72.2	19 594.8	1 572.3	21 167.1
Total requirements (net)	**115 948.0**	**120 584.7**	**(2 535.4)**	**47 098.6**	**(773.5)**	**43 789.7**	**36.3**	**164 374.4**	**11 816.8**	**176 191.2**

(2) Extrabudgetary

	2016–2017 expenditure	2016–2017 estimate	2018–2019 estimate
Activities		113.0	600.0
Total (1) and (2)	**115 948.0**	**120 697.7**	**176 791.2**

Table 3
Temporary post requirements

Category	*2016–2017*	*Proposed changes*	*2018–2019*
Professional and higher			
Arusha branch			
Under-Secretary-General	1	–	1
Assistant Secretary-General	–	1	1
P-5	2	–	2
P-4/3	28	1	29
P-2/1	7	(1)	6
Subtotal	**38**	**1**	**39**
Hague branch			
Under-Secretary-General	–	–	–
Assistant Secretary-General	–	–	–
P-5	4	–	4
P-4/3	20	1	21
P-2/1	7	–	7
Subtotal	**31**	**1**	**32**
New York			
P-4/3	1	–	1
Subtotal	**1**	**–**	**1**
Total, Professional and higher	**70**	**2**	**72**
General Service and related			
Arusha branch			
Security Service	32	6	38
Local level	14	–	14
Field Service	35	–	35
Subtotal	**81**	**6**	**87**
Hague branch			
Other level	26	–	26
Subtotal	**26**	**–**	**26**
Total, General Service and related	**107**	**6**	**113**
Grand total	**177**	**8**	**185**

II. Programme of work and resource requirements

A. Chambers

32. The Chambers are the organ that exercises judicial authority over the residual functions assumed by the Mechanism. The Chambers comprise a roster of 25 judges who are currently serving on appointment by the Secretary-General, following consultation with the Presidents of the Security Council and the General Assembly, and one full-time President, who is appointed from the roster. The President shall

appoint the judges from the roster to hear cases and consider requests, as required. The main objective of the Chambers for the biennium 2018–2019 will be to carry out all mandated residual activities, as needed, in the most expeditious manner possible.

33. The President is the highest authority of the Mechanism and, as such, acts as its institutional head and is responsible for the overall execution of its mandate. The President coordinates the work of the Chambers, presides over proceedings in the Appeals Chamber, supervises the activities of the Registry, supervises the enforcement of sentences, issues practice directions, represents the Mechanism before the Security Council and the General Assembly and performs other representational functions vis-à-vis heads of mission, embassies of Member States, the Secretary-General and other interlocutors. In addition, the President is responsible for exercising all other judicial, quasi-judicial and administrative functions conferred by the statute and the rules of procedure and evidence, including the issuance of orders and decisions related to the enforcement of sentences, the review of administrative decisions and the assignment of judges for the other judicial activity described below.

34. The judicial and other activities to be carried out by the Chambers during the biennium 2018–2019 include the conduct of the following appeals and proceedings:

(a) Ongoing appeals in the *Karadžić*, *Šešelj* and *Mladić* cases from the International Tribunal for the Former Yugoslavia;

(b) Trial and interlocutory appeal proceedings in the retrial ordered by the Appeals Chamber of the International Tribunal for the Former Yugoslavia in the *Stanišić and Simatović* case;

(c) Trial and appeal proceedings in case of arrest of the three remaining fugitives indicted by the International Criminal Tribunal for Rwanda or a retrial ordered by the Mechanism;

(d) Review proceedings and associated requests (such as for assignment of counsel) related to cases completed before the Mechanism and the Tribunals;

(e) Trial and appeal proceedings in the event of contempt or false testimony cases;

(f) First instance and appeal proceedings that result from requests for revocation of referral of cases to national jurisdictions, compensation for violations of fair trial rights, disclosure of exculpatory material, judicial cooperation, variation of protection measures, access to confidential material and changes in classification of confidential material;

(g) Declassification proceedings in accordance with rule 155 of the rules of procedure and evidence;

(h) Plenaries and the review of rule amendments and related matters.

Outputs

35. During the biennium 2018–2019, the following outputs related to the activities of the Chambers are expected to be delivered:

(a) Courtroom activities: initial appearances, status conferences, pretrial conferences, trials, appeal hearings, hearing of evidence and motions in the *Stanišić and Simatović* case, the possible delivery of judgments, and other hearings in the cases of fugitives from the International Criminal Tribunal for Rwanda, in appeals related to the *Karadžić* and *Šešelj* cases, in the event of contempt of court or false testimony cases or a retrial ordered by the Mechanism and in any case that is authorized for review;

(b) Decisions and orders that relate to pre-review, pre-appeal and pretrial motions, motions during trial, appeals and reviews, and first instance and appeal proceedings that result from requests for revocation of referral of cases to national jurisdictions, compensation for violations of fair trial rights, disclosure of exculpatory material, judicial cooperation, variation of protection measures, access to confidential material, changes in classification of confidential material and declassification of proceedings in accordance with rule 155 of the rules of procedure and evidence;

(c) Judgment or hearing preparation: (i) the preparation for appeal hearing in the *Karadžić* case; (ii) the processing of arguments and applicable law, deliberations, research and drafting related to the preparation of judgments in the *Karadžić* and *Šešelj* cases; (iii) the processing of arguments and applicable law in preparation for any hearing in the *Mladić* case; (iv) the processing of evidence, arguments and applicable law in connection with the preparation of the judgment in the *Stanišić* and *Simatović* case; (v) the processing of evidence, arguments and applicable law in connection with a possible hearing and judgment in cases where review is authorized; (vi) the processing of evidence, arguments and applicable law in trials that involve International Criminal Tribunal for Rwanda fugitives, contempt or false testimony, or any retrial;

(d) Decisions and other activity related to the enforcement of sentences, including the designation of enforcement States for convicted persons, the determination of early release, the commutation of sentence and pardon and the supervision of the enforcement of sentences;

(e) Amendments to the rules of procedure and evidence;

(f) The issuance of and amendments to practice directions, guidelines and regulations;

(g) Reports of the President of the Mechanism to the Security Council, as requested, on non-compliance by States with orders of the Mechanism;

(h) Annual reports to the General Assembly and biannual reports to the Security Council;

(i) Oversight of external relations and communication services, including with respect to press releases, other media products and exhibitions on matters of importance to the Mechanism;

(j) Special events: the hosting of visiting dignitaries, usually at the level of ambassador or minister for foreign affairs, and Heads of State; and the establishment and maintenance of high-level contacts with Governments of Member States to facilitate and improve cooperation with the Mechanism;

(k) Participation in activities within the United Nations system: the annual statement by the President of the Mechanism to the General Assembly and the biannual statements to the Security Council;

(l) Review of decisions of the Registrar and supervision of the activities of the Registry;

(m) Coordination of the work of the Chambers, including communications with and provision of support to judges;

(n) Meetings of the Coordination Council and plenary meetings of judges of the Mechanism;

(o) Relations with non-governmental organizations, researchers and other interlocutors outside the Mechanism;

(p) Oversight of activities related to the provision of support for and relocation of persons acquitted and released by the International Criminal Tribunal for Rwanda and the Mechanism;

(q) Oversight of activities related to the conclusion of agreements, including enforcement agreements and other agreements;

(r) Oversight of activities related to the conditions of detention of accused under the Mechanism's jurisdiction;

(s) Activities related to building and maintaining relationships with Rwanda and States of the former Yugoslavia.

Table 4
Resource requirements: Chambers

Assessed budget

	Resources (thousands of United States dollars)		*Temporary posts*	
Category	*2016–2017*	*2018–2019 (before recosting)*	*2016–2017*	*2018–2019*
Arusha branch				
Non-post	415.9	765.4	–	–
Subtotal	**415.9**	**765.4**		
Hague branch				
Non-post	2 622.2	3 865.3	–	–
Subtotal	**2 622.2**	**3 865.3**	–	–
Total	**3 038.1**	**4 630.7**	–	–

36. The provision of $4,630,700, before recosting, would cover compensation for the judges, in accordance with the statute of the Mechanism, as well as their travel requirements. The increase of $1,592,600 is due mainly to new requirements for honorariums that relate to the *Stanišić* and *Simatović* retrial, for which no provision was made in the final appropriation for the biennium 2016–2017.

B. Office of the Prosecutor

37. The Office of the Prosecutor is responsible for cases and other work falling within the competence of the Mechanism pursuant to article 1 of its statute. In accordance with article 14 of the statute, there is one Prosecutor who is responsible for the residual functions of both the International Criminal Tribunal for Rwanda (carried out by the Arusha branch) and the International Tribunal for the Former Yugoslavia (carried out by the Hague branch).

38. The continuous responsibility of the Office of the Prosecutor is to carry out work that arises from completed cases of the Tribunals, provide assistance to national authorities and international organizations, maintain records and perform diplomatic and external relations functions and administrative and managerial functions required for running the Office at the two branches. Until now, it has also included tracking the remaining fugitives from the International Criminal Tribunal for Rwanda and preparing those cases for trial.

39. The proposed structure and continuous staffing for the Office of the Prosecutor for the biennium 2018–2019 are based on its continuous activities, which must be carried out independently of trial and appeal activities. Temporary resources are also proposed under general temporary assistance for ad hoc activities on the basis of assumptions about the expected workload concerning appellate work, retrials and contempt cases. Should new proceedings over and above those included in the projected judicial docket be ordered by the Mechanism in any cases, additional resources will need to be requested, as such activities are not covered in the present proposal.

40. As mentioned, inter alia, in the overview of the present report, no new or additional functions for the Office of the Prosecutor are foreseen for the biennium 2018–2019. However, in order to enhance the effectiveness of the team tracking the remaining fugitives from the International Criminal Tribunal for Rwanda, it is proposed that the tracking team be refocused in the form of an interdisciplinary task force encompassing tracking, investigation and legal matters in Arusha.

Continuous functions

41. The Office of the Prosecutor is responsible for addressing matters that arise from cases completed by the Tribunals at the respective branches. That work includes the following continuous functions:

(a) Tracking of fugitives: the Office of the Prosecutor assumed responsibility for tracking the three remaining fugitives from the International Criminal Tribunal for Rwanda, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. It is also carrying out the tracking of the five other fugitives whose case files have been referred to Rwanda. The Office wishes to place additional emphasis on the apprehension of the remaining fugitives and the case readiness of the associated files;

(b) Enforcement of sentences: input into the assessment of applications by convicted persons for early release;

(c) Review of judgments: when applications for the review of judgments are filed, the Office will be required to respond to the application and present rebuttal evidence, as appropriate;

(d) Contempt: pursuant to article 1 (4) of its statute, the Mechanism has the power to prosecute contempt that arises from cases of the Mechanism and the Tribunals. Consequently, this will require some basic monitoring of possible contemptuous conduct that relates to the completed cases, as well as the investigation and/or prosecution of contempt cases, as necessary;

(e) Other legal issues: there will be miscellaneous legal work that arises from the completed cases of the Tribunals, which is not covered by the foregoing specific topics;

(f) Assistance to national authorities and international organizations: a key component of the completion strategies for the Tribunals has been the transfer of appropriate cases to national jurisdictions for trial. The prosecution responds to external requests from national prosecution authorities that seek access to the evidentiary databases of the Office;

(g) Witness protection: the Office has the ongoing responsibility to identify material that should be provided to national courts to facilitate their war crimes prosecutions. If such material is identified, appropriate steps must be taken to seek variation of the protective measures to enable disclosure to the third party or to apply for protective measures in the context of review proceedings, contempt cases and the fugitive trials;

(h) Diplomatic/external relations: many of the core functions to be performed by the Office will require the Prosecutor to maintain relationships with external parties, including officials of Governments and international organizations and members of the diplomatic community;

(i) Archives and records: the Office will be responsible for compiling and maintaining records required for ongoing casework. Its input will also be required on a range of issues related to the archives of the Tribunals and the Mechanism.

Ad hoc functions

42. Disclosure: the prosecution has significant and ongoing disclosure obligations in relation to the retrial in the *Stanišić and Simatović* case and appeals in the *Šešelj* and *Karadžić* cases. Moreover, the prosecution has ongoing disclosure obligations in relation to closed cases.

43. The appeals in connection with the International Tribunal for the Former Yugoslavia Trial Chambers judgment in the *Šešelj*, *Karadžić* and *Mladić* cases carry over from the biennium 2016–2017 and will continue into 2018–2019.

44. The prosecution will further continue trial proceedings in the *Stanišić and Simatović* case. The proceedings are expected to continue throughout 2018–2019.

45. The prosecution will respond to requests for review and prepare for review hearings. Moreover, it will investigate and, where required, prosecute contempt.

Table 5
Objectives for the biennium, expected accomplishments, indicators of achievement and performance measures

Objective: To investigate and prosecute, in a timely and fair manner, persons falling within the areas of competence of the Mechanism, and to ensure that the requirements of the Security Council are fulfilled

Expected accomplishments of the Secretariat	*Indicators of achievement*		*Performance measures*			
			2018–2019	*2016–2017*	*2014–2015*	*2012–2013*
(a) Arrest of accused persons still at large	Number of arrests for the Arusha branch	Target	2	2	2	2
		Estimate		2	2	2
		Actual			–	–
(b) Provision of effective and timely assistance to national jurisdictions	(i) Receipt is acknowledged of requests for judicial assistance from national jurisdictions within 2 working days (percentage)	Target	100	100	–	–
		Estimate		100	100	
		Actual			100	
	(ii) Requests requiring certification will be completed within 4 weeks (percentage)	Target	90	90	90	90
		Estimate		90	90	70
		Actual			90	80
	(iii) Requests involving searches of documents will be completed within 4 weeks (percentage)	Target	75	75		
		Estimate		75	75	
		Actual			75	

External factors

46. The Office of the Prosecutor is expected to attain its objective and expected accomplishments on the assumption that: (a) Member States cooperate in the tracking, arrest and transfer of indicted persons and in the timely provision of information and

compliance with requests for assistance; (b) the arrest of two of the fugitives from the Mechanism occurs during the biennium; (c) Member States continue to investigate and prosecute those accused of atrocities in Rwanda and the former Yugoslavia and to seek assistance at a rate and of a volume similar to that previously sought; (d) the referrals of cases already transferred to national jurisdictions are not revoked; (e) there is normal functioning of judiciaries in the States of the former Yugoslavia so that cases may be tried at the domestic level; (f) there are no delays in the appellate proceedings for reasons beyond the control of the Mechanism, such as illness of the accused, the disclosure of material, requests for the replacement of defence counsel, requests for the review of cases already tried, other motions that affect the proceedings and the availability of witnesses to certify statements and provide testimony; and (g) the Mechanism will not order retrials in any cases.

Outputs

47. During the biennium 2018–2019, the following outputs will be delivered:

(a) Investigation outputs: interviewing of witnesses; collection of witness statements and documents; collection of information from informants (confidential sources and intelligence sources); and preparation of mission reports and records and sensitive witness files;

(b) Trial-related outputs: comprehensive review of the fugitive case files, indictments and supporting materials to ensure that the case is trial-ready at the time of an arrest; preparation of legal opinions, motions, responses, pretrial briefs, oral and other evidence, transcripts, closing briefs and closing arguments; and review of judgments for notice of appeal purposes;

(c) Appeals-related outputs: filings related to the prosecution of appeals, including motions, responses to defence motions, appeal briefs, response briefs, briefs in reply and miscellaneous applications for orders from the Appeals Chamber; conduct of training courses, including induction, legal issues and advocacy; and legal opinions on issues of international law;

(d) Post-appeal outputs: investigation, motions, briefs, disclosure and hearings in relation to requests for review and contempt matters;

(e) Diplomatic/external relations outputs: effective diplomatic outreach; bilateral and multilateral cooperation with States, other United Nations and non-United Nations entities (the International Criminal Police Organization, the North Atlantic Treaty Organization, the European Union Rule of Law Mission in Kosovo and the Executive Secretariat of the International Conference on the Great Lakes Region); and press releases, speeches, statements and briefings;

(f) Servicing requests for assistance outputs: provision of effective and timely assistance to national investigating and prosecuting authorities and international organizations, search criteria, search results, analysis, advice and correspondence, motions for the variation of protective measures and responses; and provision of support to local officials regarding the transfer of dossiers and exchange of know-how and training;

(g) Management outputs: policy papers and directives, guidelines related to legal practice, annual reports, Security Council reports, funding proposals, budget preparation and reports on activities of States relevant to cooperation;

(h) Information management outputs: indexes of evidentiary material and information sources, including witness statements, videotapes and audiotapes; custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; software systems and

modifications to computer systems, and database applications for the Office of the Prosecutor; and training for all staff;

(i) Legacy outputs: coordination with the Registry and the Chambers in the preparation of the files and electronic data to be preserved and which form part of the legacy of the Tribunal.

Table 6
Resource requirements: Office of the Prosecutor

(1) Assessed budget

	Resources (thousands of United States dollars)		*Temporary posts*	
Category	*2016–2017*	*2018–2019 (before recosting)*	*2016–2017*	*2018–2019*
Arusha branch				
Post	5 437.1	5 437.1	18	18
Non-post	1 227.0	4 634.8	–	–
Staff assessment	657.7	1 419.8	–	–
Subtotal	**7 321.8**	**11 491.7**	**18**	**18**
Hague branch				
Post	2 547.6	2 547.6	10	10
Non-post	9 504.1	12 163.0	–	–
Staff assessment	1 777.6	2 762.9	–	–
Subtotal	**13 829.3**	**17 473.5**	**10**	**10**
Total	**21 151.1**	**28 965.2**	**28**	**28**
(2) Extrabudgetary	–	487.0	–	–
Total (1) and (2)	**21 151.1**	**29 452.2**	**28**	**28**

Table 7
Temporary post requirements: Office of the Prosecutor

Category	*2016–2017*	*Proposed changes*	*2018–2019*
Professional and higher			
Arusha branch			
Under-Secretary-General	1	–	1
P-5	1	–	1
P-4/3	9	–	9
Subtotal	**11**	**–**	**11**
Hague branch			
Under-Secretary-General	–	–	–
P-5	1	–	1
P-4/3	5	–	5
Subtotal	**6**	**–**	**6**
Total, Professional and higher	**17**	**–**	**17**

Category	2016–2017	Proposed changes	2018–2019
General Service and related			
Arusha branch			
Local level	2	–	2
Field Service	5	–	5
Subtotal	**7**	**–**	**7**
Hague branch			
Other level	4	–	4
Subtotal	**4**	**–**	**4**
Total, General Service and related	**11**	**–**	**11**
Grand total	**28**	**–**	**28**

48. Total resources under posts in the amount of $7,984,700 ($5,437,100 for the Arusha branch and $2,547,600 for the Hague branch) would provide for the 28 posts indicated in table 7 (18 in Arusha, 10 in The Hague). Resources under staff assessment in the amount of $4,182,700 ($1,419,800 for the Arusha branch and $2,762,900 for the Hague branch) would provide for staff assessment related to the temporary posts and for general temporary assistance-funded positions.

49. Total non-post resources in the amount of $16,797,800 for the two branches ($4,634,800 for the Arusha branch and $12,163,000 for the Hague branch) would provide for general temporary assistance, overtime, expert witnesses, official travel of staff, contractual services and general operating expenses.

50. The overall increase of $7,814,100 ($4,169,900 for the Arusha branch and $3,644,200 for the Hague branch) compared with the 2016–2017 final appropriation is due mainly to: (a) the additional judicial activity projected in The Hague for the biennium 2018–2019; (b) the establishment in the Mechanism of general temporary assistance positions in the Immediate Office of the Prosecutor (previously covered under the budget of the International Tribunal for the Former Yugoslavia) to provide for a coherent structure in the light of the increase in the judicial and operational workload; and (c) the proposed refocusing of the fugitives tracking team of the Office of the Prosecutor to provide support for an interdisciplinary task force for tracking investigations and legal matters in Arusha; and (d) a newly established project to streamline and harmonize access to evidentiary materials of the Office of the Prosecutor by defence counsel, national prosecutors and other authorities.

51. During the biennium 2018–2019, projected extrabudgetary resources in the amount of $487,000 will be used for the implementation of various activities under this component.

C. Registry

52. The Registry is responsible for the administration and servicing of the Mechanism at both branches, directly implementing mandated functions under the Registrar's authority and supporting the Chambers and the Office of the Prosecutor in the fulfilment of their responsibilities through the provision of support services.

53. The Registry comprises the Registrar, an Officer-in-Charge for each branch and the legal, external relations and administrative staff, organized as an office at both the Arusha and the Hague branches. The Registrar will direct and draw support from the

two branches of the Mechanism. In general, the Arusha office will perform work related to the activities of the Arusha branch, while the Hague office will perform work related to the operations of the Hague branch. However, if and as necessary, each office will undertake tasks that relate to the Mechanism as a whole or provide assistance for the activities of the other branch office. Such an arrangement provides the Registry with additional flexibility and the capacity to respond to evolving needs.

54. The Registrar has the overall responsibility for directing and managing the Registry, including supervising the Registry and coordinating the management of the Mechanism with the Office of the President and the Office of the Prosecutor, and is also responsible for exercising the Registrar's legal role with respect to judicial activity, as provided for in the statute and the rules of procedure and evidence of the Mechanism and other governance documents. This includes issuing decisions on matters related to judicial proceedings, promulgating regulations for matters falling under the Registrar's authority and submitting briefs in proceedings. Finally, the Registrar is responsible for directly implementing a number of Registry functions, including external relations and communication services, supervision of the enforcement of sentences, provision of assistance to national jurisdictions, provision of support for judicial activity and general legal support. In the absence of the Registrar and unless otherwise delegated by the Registrar, the Officers-in-Charge will carry out the foregoing responsibilities for their respective branches.

55. Accordingly, and with reference to the workload outlined for the biennium, the Office of the Registrar will, inter alia, engage in the following activities: (a) providing support for the mandate of the Mechanism; (b) coordinating and ensuring the provision of effective judicial and legal support services for judicial activities; (c) coordinating and ensuring the provision of administrative, logistical, financial and material support to the Chambers, the Office of the Prosecutor and the defence; (d) ensuring the prompt execution of orders, instructions, directives and decisions of the President and the Chambers of the Mechanism; (e) providing legal and policy advice on judicial, diplomatic and administrative issues; (f) undertaking functions related to the supervision of the enforcement of sentences; (g) addressing requests for cooperation from national jurisdictions; (h) communicating and coordinating with the Office of Legal Affairs and other departments at Headquarters; (i) communicating and engaging with Member States, international organizations and other stakeholders; and (j) disseminating information to the public.

56. The Registrar, with support from the Registry staff, will carry out the following continuous activities:

(a) Direction and management;

(b) Legal and policy support;

(c) Support for judicial activity;

(d) Provision of administrative support services;

(e) Administrative, legal and diplomatic aspects of supervision of the enforcement of sentences;

(f) Protection of victims and witnesses;

(g) Aspects of assistance to national jurisdictions;

(h) Legal and policy support for the management of archives;

(i) External relations and communication services.

57. In addition, the Registry will carry out the following main activities in support of the ad hoc programme of work for the biennium 2018–2019, pertaining mainly to the heightened judicial activity:

(a) Management of legal aid and assistance to defence teams;

(b) Court support services;

(c) Witness movement and support;

(d) Interpretation and translation services;

(e) Monitoring of referred cases;

(f) Support for and relocation of persons acquitted and released by the International Criminal Tribunal for Rwanda;

(g) Management of the United Nations Detention Facility in Arusha and the United Nations Detention Unit in The Hague during ongoing proceedings and pending the transfer of convicts to enforcement States;

(h) Activities aimed at enhancing public access to the records of the judicial proceedings of the Mechanism and its predecessor Tribunals.

58. During the biennium 2018–2019, the Registry will focus on two principal objectives:

(a) Ensuring the continued smooth operations of the Mechanism and, in particular, ensuring its capacity to fulfil its mandate following the closure of the two Tribunals;

(b) Ensuring the provision of adequate support for the ad hoc judicial responsibilities of the Mechanism, in particular one complex retrial of two high-level accused persons and three appeals cases from the International Tribunal for the Former Yugoslavia and trials of fugitives from the International Criminal Tribunal for Rwanda.

Table 8
Objectives for the biennium, expected accomplishments, indicators of achievement and performance measures

Objective: The efficient administration and servicing of the Mechanism through the provision of judicial, administrative and legal support to the Chambers and the Office of the Prosecutor, in line with the statute of the Mechanism, the rules of procedure and evidence and United Nations regulations and rules

Expected accomplishments	*Indicators of achievement*	*Performance measures*	*2018–2019*	*2016–2017*	*2014–2015*	*2012–2013*
(a) Full and effective support given by the Registry to the Mechanism's ad hoc judicial activity	(i) Smooth delivery of judicial support services, any delays in the Mechanism's ad hoc judicial activity would not be attributable to the Registry (percentage of witness attendance compliant with trial schedule)	Target	100	90		
		Estimate		90		
		Actual				
	(ii) Percentage of factual findings of reviews of indigence claims for legal assistance accepted by the parties or found credible on review by the relevant Chamber or judge	Target	100	100	100	100
		Estimate		100	100	100
		Actual			100	100

Expected accomplishments	*Indicators of achievement*		*Performance measures*							
			2018	*2019*	*2016*	*2017*	*2014*	*2015*	*2012*	*2013*
	(iii) Percentage of translations of judicial documents that meet the agreed deadline, with quality and productivity maintained and translation output levels in accordance with United Nations norms	Target		90		90		100		100
		Estimate				90		100		100
		Actual						100		100
(b) Full online access to public judicial documents, including decisions	All public judicial documents, including filings of all Mechanism cases, available online in an accessible manner (percentage of public documents online within 24 working hours of their issuance by the Registry of the Mechanism)	Target		95		100		100		
		Estimate				90		100		90
		Actual						100		100
(c) Efficient discharge of functions relating to the supervision of the enforcement of sentences	Relevant procedures for enabling the President's decision on early release are commenced within 2 weeks of the receipt of requests for information from the President in respect of applications for early release (percentage of relevant procedures commenced within 2 weeks of the receipt of requests for information from the President in respect of applications for early release)	Target		90		90		90		90
		Estimate				95		95		90
		Actual						90		90
(d) Efficient provision of assistance to national jurisdictions	Relevant procedures for responding to requests for assistance commenced within 2 weeks of receipt (for requests for unclassified documents) or judicial determination (for classified documents) (percentage of requests for assistance for which relevant procedures for responding are commenced within 2 weeks)	Target		100		100		90		90
		Estimate				100		100		90
		Actual						95		90
(e) Effective provision of protection services to victims and witnesses	All mitigating actions recommended by threat assessments implemented (percentage of mitigating actions implemented)	Target		100		100		100		
		Estimate				100		100		100
		Actual						100		100
(f) Effective provision of operational and support services to victims and witnesses during trial	Facilitation of all witnesses called to testify before the Tribunal for the purpose of trial (percentage of witnesses appearing before the Tribunal at the request of a party)	Target		100		100				
		Estimate				100		100		
		Actual						100		
(g) Increased public awareness of the activities of the Mechanism	Number of page views of the Mechanism's website	Target	1 000 000		400 000		400 000			
		Estimate			850 000		400 000		175 440	
		Actual					521 614		190 000	

Expected accomplishments	*Indicators of achievement*		*Performance measures*			
			2018–2019	*2016–2017*	*2014–2015*	*2012–2013*
(b) Timely finalization of monthly financial reports	Time between the end of the month and the issuance of financial reports (working days)	Target	8	8	8	8
		Estimate		8	8	8
		Actual			8	8

External factors

59. The Registry is expected to attain its objective and expected accomplishments on the assumption that: (a) Member States continue to cooperate in the enforcement of sentences pronounced by the Tribunals and the Mechanism; (b) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information; and (c) there are no delays in the proceedings for reasons beyond the control of the Mechanism, including the illness of the accused, the unforeseen disclosure of material, requests for the replacement of defence counsel, the review of cases already tried and the availability of witnesses to certify statements and provide testimony.

Outputs

60. During the biennium 2018–2019, the following outputs will be delivered by the Registry:

(a) Adoption and review of further policies, directives and guidelines with respect to Registry operations;

(b) Provision of legal advice, including researching legal issues, drafting legal decisions and correspondence, negotiating and drafting agreements, and providing legal advice to the Registrar and Mechanism staff on a wide range of issues, and, with respect to the management of the archives, ensuring the application of appropriate security classification levels, providing assistance with the judicial review of records, reviewing judicial orders related to confidentiality and declassification, and providing legal advice in relation to requests for access;

(c) Administration of the enforcement of sentences, including the negotiation of international agreements on the enforcement of sentences, the transfer of convicted persons to enforcement States, maintaining liaison with enforcement States and providing advice to the Office of the President and enforcement States in relation to pardon, commutation of sentence and early release;

(d) Provision of support and protection services to witnesses in completed cases of the Tribunals, including providing support and administrative services for the temporary and permanent relocation of witnesses, conducting threat assessments, responding to queries from witnesses and transmitting information to and from witnesses, and reporting the results in connection with judicial procedures involving the variation of protective measures;

(e) Provision of assistance to national jurisdictions, including responding to all requests for cooperation received;

(f) Provision of public information, including the publication of various information materials related to the work and mandate of the Mechanism, the issuance of press releases to the local, national and international press regarding Mechanism activities, and participation in public events related to the mandate and activities of the Mechanism;

(g) Liaison with external partners, including with the host countries, on privileges and immunities of judges and staff, and liaison with Member States and other stakeholders, including other United Nations agencies, on matters related to the mandate and activities of the Mechanism;

(h) Management support, including the direction and supervision of the Registry's judicial support functions and legal and administrative activities, the provision of overall administrative support, the preparation of reports related to administrative functions, the preparation and implementation of budgetary provisions, the development of policies and directives on Mechanism management, the development and implementation of accountability measures, the development and maintenance of inter-agency cooperation, in particular regarding security issues, and the development and implementation of workforce performance strategies, including training, change management and capability development;

(i) Provision of technical advice on active record-keeping for the Mechanism, including on active judicial record-keeping support for current trial, appeals or other hearings before the Mechanism;

(j) Technical management of the archives of the Tribunals, including the management of access to records and archives.

Table 9
Resource requirements: Registry

(1) Assessed budget

	Resources (thousands of United States dollars)		*Temporary posts*	
Category	*2016–2017*	*2018–2019 (before recosting)*	*2016–2017*	*2018–2019*
Arusha branch				
Post	14 997.0	16 423.9	90	94
Non-post	20 822.3	20 354.7	–	–
Staff assessment	2 332.1	2 947.4	–	–
Subtotal	**38 151.4**	**39 726.0**	**90**	**94**
Hague branch				
Post	7 593.7	7 866.9	36	36
Non-post	42 275.6	71 935.4	–	–
Staff assessment	5 731.1	11 246.4	–	–
Subtotal	**55 600.4**	**91 048.7**	**36**	**36**
Mechanism support, New York				
Post	196.7	196.7	1	1
Staff assessment	21.4	21.4	–	–
Subtotal	**218.1**	**218.1**	**1**	**1**
Total	**93 969.9**	**130 992.8**	**127**	**132**
(2) Extrabudgetary	113.0	113.0	–	–
Total (1) and (2)	**94 082.9**	**131 105.8**	**127**	**132**

Table 10
Temporary post requirements: Registry

Category	*2016–2017*	*Proposed changes*	*2018–2019*
Professional and higher			
Arusha branch			
Assistant Secretary-General	–	1	1
P-5	1	–	1
P-4/3	15	–	15
P-2/1	5	(1)	4
Subtotal	**21**	**–**	**21**
Hague branch			
Assistant Secretary-General	–	–	–
P-5	2	–	2
P-4/3	12	1	13
P-2/1	5	–	5
Subtotal	**19**	**1**	**20**
New York			
P-4/3	1	–	1
Subtotal	**1**	**–**	**1**
Total, Professional and higher	**41**	**1**	**42**
General Service and related			
Arusha branch			
Security Service	32	6	38
Local level	11	(1)	10
Field Service	26	(1)	25
Subtotal	**69**	**4**	**73**
Hague branch			
Other level	17	–	17
Subtotal	**17**	**–**	**17**
Total, General Service and related	**86**	**4**	**90**
Grand total	**127**	**5**	**132**

61. Total resources under posts in the amount of $24,487,500 ($16,423,900 for the Arusha branch, $7,866,900 for the Hague branch and $196,700 for Mechanism support in New York) would provide for the 132 temporary posts indicated in table 10. Resources under staff assessment in the amount of $14,215,200 ($2,947,400 for the Arusha branch, $11,246,400 for the Hague branch and $21,400 for Mechanism support in New York) would provide for staff assessment related to temporary posts and to general temporary assistance-funded positions. The proposed staffing levels derive from the following:

(a) Continuation of 127 existing temporary posts (90 at the Arusha branch, 36 at the Hague branch and 1 in New York);

(b) Outward redeployment, within the same duty station (Arusha branch), of three temporary posts (1 Librarian (P-3), 1 Library Assistant (Field Service), 1 Library Clerk (General Service (Local level))), which were presented under Administration within the Registry in the biennium 2016–2017, to the Mechanism Archives and Records Section, given that they fall under the functional responsibility of the Section;

(c) Redeployment of two posts of Administrative Officer (P-4) within the same duty station and organ, from the Judicial Support Services of the Registry to the Administrative Services in both Arusha and The Hague to provide support for the progressive establishment of the Administration of the Mechanism;

(d) Establishment of one new temporary post of Registrar at the Assistant Secretary-General level in the Arusha branch, the functions of which were previously performed by one Registrar who served both the Mechanism and the International Tribunal for the Former Yugoslavia under the double-hatting arrangement funded under the budget of that Tribunal (the double-hatting arrangement was discontinued in January 2017 following the appointment of a new Registrar of the Mechanism);

(e) Establishment of one audit post (P-4) to enable OIOS to undertake planned audit assignments for the Mechanism and the audit of the liquidation effectiveness of the International Tribunal for the Former Yugoslavia following the completion of its mandate on 31 December 2017 (it should be noted that the costs of the P-4 post for the biennium 2016–2017 were provided for under the budget of the Tribunal);

(f) Establishment of six new temporary posts (Security Service) in the Safety and Security Section (Arusha branch) to address additional security requirements in the new facility of the Mechanism in Arusha, which were not fully known at the time of preparation of the 2016–2017 budget;

(g) Reclassification of one post of Associate Legal Officer (P-2) in the Office of the President (Arusha branch) as a P-3 level post to better reflect the more complex responsibilities of the post.

62. Total non-post resources in the amount of $92,290,100 for the two branches ($20,354,700 for the Arusha branch and $71,935,400 for the Hague branch) would provide for general temporary assistance, consultants and expert witnesses for the defence, the travel of staff and witnesses, defence counsel fees and other contractual services, general operating expenses, hospitality, supplies and materials, furniture and equipment, the improvement of premises, and the Mechanism's share of United Nations field security, including charges for malicious acts insurance.

63. The overall increase of $37,022,900 ($1,574,600 for the Arusha branch and $35,448,300 for the Hague branch) over the 2016–2017 final appropriation is attributable mainly to: (a) the support required for the expanded judicial activity projected for 2018–2019, including the retrial in the *Stanišić* and *Simatović* case and three ongoing appeals; (b) the full establishment of a self-standing Administration of the Mechanism as from 1 January 2018, following the closure on 31 December 2017 of the International Tribunal for the Former Yugoslavia, which provided double-hatting support and cost-sharing arrangements with the Mechanism; and (c) additional requirements resulting from the reassessment of the staffing capacity required to provide support for the new premises in Arusha. The increase is offset in part by a decrease of $821,000 under non-post costs owing to anticipated efficiencies that the Mechanism plans to achieve in 2018–2019.

64. During the biennium 2018–2019, projected extrabudgetary resources in the amount of $113,000 will be used for the implementation of various activities under this component.

D. Records management and archives

65. The Mechanism Archives and Records Section forms part of the Registry. It is, however, separate in the present document for presentation purposes only.

66. Pursuant to article 27 of its statute, the Mechanism is responsible for managing the archives of the Tribunals and the Mechanism itself, which together constitute the archives of the international criminal tribunals. The archives are co located with the corresponding branches of the Mechanism.

67. The archives consist of judicial records and other substantive and administrative records of the Tribunals and the Mechanism, in a range of media and formats.

68. The management of the archives is a continuous function of the Mechanism throughout its mandate. Their effective management is critical to the performance of the other functions of the Mechanism, including any trial or appeal activity and assistance to national jurisdictions.

69. The Mechanism Archives and Records Section is responsible for preserving the archives and providing access to them. This activity involves developing and implementing strategies, policies and processes for the preservation of both physical and digital records, and for providing access to them by Mechanism staff members and the public in accordance with established policies and procedures. The Section is also responsible for the management of all records generated by the Mechanism itself. This effort includes developing and implementing strategies, policies and processes for the creation, organization, storage, appraisal and disposition of records. It also includes managing confidential information and providing access to the records in accordance with established policies and procedures.

70. The International Criminal Tribunal for Rwanda completed the transfer of its records, including those generated during its liquidation phase, to the Mechanism in 2016. The International Tribunal for the Former Yugoslavia completed the transfer of its records, with the exception of those to be generated during its liquidation phase, at the end of 2017.

71. The Mechanism Archives and Records Section will engage in the following continuous activities during the biennium 2018–2019, working towards the achievement of four strategic goals:

(a) Ensure the preservation of the archives: operate physical and digital repositories at both the Arusha and the Hague branches and implement active preservation programmes for both physical and digital records, and continue work on the digitization of the audiovisual recordings of the Tribunals;

(b) Enhance the accessibility of, and access to, the archives: describe records and make descriptions available online in the form of a publicly accessible catalogue, enhance public access to unclassified judicial records and facilitate access to other unclassified records, respond to requests for access in accordance with the access policy of the Mechanism and continue work on redaction and publication of audiovisual recordings of courtroom proceedings, provide reference and research facilities and services for Mechanism staff members and external users, provide library reference services and access to published materials about the work of the Tribunals and the Mechanism and related subject areas, build productive relationships with all users, cultivate mutually beneficial partnerships with external organizations that can enhance the accessibility of the archives and coordinate with information centres established in Rwanda and the countries of the former Yugoslavia to improve access to information about the Tribunals and their work, and to the archives;

(c) Stimulate engagement with the archives: maintain an active and effective online presence, develop and deliver a programme of engaging online and physical exhibitions of material from the archives, participate actively and substantively in the activities of international, regional and local professional and technical organizations, and explore and exploit opportunities for collaborative ventures with professional and technical organizations, educational institutions and others;

(d) Drive good record-keeping in the Mechanism: complete the development of records retention schedules, extend the implementation of the electronic document and records management system and actively promote and support good record-keeping by providing advice and assistance to offices and training for staff.

72. The Mechanism Archives and Records Section will engage in the following main ad hoc activities during the biennium 2018–2019: providing support for the creation of high-quality audiovisual recordings of courtroom hearings in Mechanism trial and appeal proceedings; managing those recordings to ensure preservation of the full (i.e., as recorded, unredacted) versions; and creating public versions of those recordings and making them available to the public.

Table 11

Objectives for the biennium, expected accomplishments, indicators of achievement and performance measures

Objective: Manage the archives of the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the Mechanism, ensuring preservation and enhancing access, and manage the records of the Mechanism, in line with the rules of procedure and evidence of the respective Tribunals and Mechanism, United Nations policies and international standards and best practices

Expected accomplishments	*Indicators of achievement*		*Performance measures*							
			2018	*2019*	*2016*	*2017*	*2014*	*2015*	*2012*	*2013*
(a) Effective preservation of physical records	(i) Maintenance of suitable environmental conditions in the physical repositories (percentage of records lost owing to deterioration, damage or destruction as a result of unsuitable environmental conditions)	Target	–	–	–	–	–	–	–	–
		Estimate			–	–	–	–	–	–
		Actual					–	–	–	–
	(ii) Implementation of emergency response and disaster recovery plans for the physical repositories (percentage of records lost owing to damage or destruction as a result of disasters)	Target	–	–	–	–	–	–	–	–
		Estimate			–	–	–	–	–	–
		Actual					–	–	–	–
(b) Effective preservation of digital records	(i) Ingestion of records into the digital repository (volume (terabytes) of records ingested)	Target	1 000							
		Estimate								
		Actual								
	(ii) Monitoring of the integrity of the records in the digital repository (percentage of records lost owing to bit corruption)	Target	–							
		Estimate								
		Actual								
(c) Effective preservation of audiovisual records	Digitization/migration of audiovisual records from obsolete media into a file-based storage environment (number of recordings digitized/migrated)	Target	1 500							
		Estimate								
		Actual								

Expected accomplishments	*Indicators of achievement*		*Performance measures*			
			2018–2019	*2016–2017*	*2014–2015*	*2012–2013*
(d) Effective protection of confidential information	Compliance with security and access policies (number of security breaches)	Target	–	–	–	–
		Estimate		–	–	–
		Actual			–	–
(e) Enhanced accessibility of public judicial records	(i) Availability of new public judicial documents on the Mechanism website within 1 working day of distribution (percentage level of compliance with established time frames)	Target	95	100	100	100
		Estimate		90	100	100
		Actual			100	100
	(ii) Implementation of judicial orders for declassification and/or redaction of non-public judicial records, including audiovisual recordings, within 5 working days of issuance (percentage level of compliance with established time frames)	Target	95	100		
		Estimate		90		
		Actual				
	(iii) Availability of new public audiovisual recordings of courtroom hearings 2 working days after the transcript (percentage level of compliance with established time frames)	Target	100			
		Estimate				
		Actual				
(f) Efficient and effective handling of requests for access to records	Acknowledgement of requests for access within 2 working days of receipt and issuance of responses within 3 working days of decisions on access (percentage of compliance with established time frames)	Target	90	90	90	90
		Estimate		90	90	90
		Actual			90	90
(g) Increased public knowledge about the contents of the archives	Availability of finding aids for the archives (percentage of the archives described to series level in a publicly accessible catalogue)	Target	30			
		Estimate				
		Actual				
(h) Increased public awareness of the archives of the Tribunals and their potential use	Availability of engaging online and physical exhibitions of/about the archives (number of exhibitions per year)	Target	4			
		Estimate				
		Actual				
(i) Efficient and effective management of Mechanism records	(i) Implementation of the electronic document and records management system (percentage of organization with electronic document and records management system implemented)	Target	75			
		Estimate				
		Actual				
	(ii) Availability of staff training on record-keeping (number of training sessions offered each year)	Target	4			
		Estimate				
		Actual				

External factors

73. The Mechanism Archives and Records Section is expected to meet its objectives and expected accomplishments on the assumption that adequate and appropriate facilities for the housing and preservation of physical and digital records are available at the two branches.

Outputs

74. During the biennium 2018–2019, the following outputs will be delivered:

(a) Development, implementation and review of policies, processes and systems in respect of the preservation of the archives, including transfer of records into repositories, assessment of preservation needs and implementation of adequate and appropriate preservation measures;

(b) Provision of support for audiovisual recording of courtroom hearings; management of recordings, including preservation and provision of access to public versions; and servicing requests for access at the Arusha branch;

(c) Development, implementation and review of policies, processes and systems; provision of user administration and support services for information technology systems used for record-keeping; provision of physical records storage and retrieval services; and provision of advice and training;

(d) Provision of description of records and production of finding aids; operation of research facilities and services; servicing of requests for access; coordination with established information centres; production of public versions of judicial records in accordance with judicial orders; and monitoring of public use of records and implementation of measures to detect and address unauthorized disclosure of confidential information;

(e) Provision of information about the archives on the Mechanism website and on social media channels; and development and delivery of physical and online exhibitions;

(f) Provision of support for the transfer of records generated during the liquidation phase of the International Tribunal for the Former Yugoslavia.

Table 12
Resource requirements: records management and archives

Assessed budget

	Resources (thousands of United States dollars)		*Temporary posts*	
Category	*2016–2017*	*2018–2019 (before recosting)*	*2016–2017*	*2018–2019*
Arusha branch				
Post	3 118.9	3 642.7	11	14
Non-post	578.1	1 674.4	–	–
Staff assessment	345.4	774.6	–	–
Subtotal	**4 042.4**	**6 091.7**	**11**	**14**
Hague branch				
Post	2 441.5	2 441.5	11	11
Non-post	892.0	869.2	–	–

Category	Resources (thousands of United States dollars) 2016-2017	2018-2019 (before recosting)	Temporary posts 2016-2017	2018-2019
Staff assessment	429.1	422.3	–	–
Subtotal	**3 762.6**	**3 733.0**	**11**	**11**
Total	**7 805.0**	**9 824.7**	**22**	**25**

Table 13
Temporary post requirements: records management and archives

Category	2016-2017	Proposed changes	2018-2019
Professional and higher			
Arusha branch			
P-4/3	4	1	5
P-2/1	2	–	2
Subtotal	**6**	**1**	**7**
Hague branch			
P-5	1	–	1
P-4/3	3	–	3
P-2/1	2	–	2
Subtotal	**6**	**–**	**6**
Total, Professional and higher	**12**	**1**	**13**
General Service and related			
Arusha branch			
Local level	1	1	2
Field Service	4	1	5
Subtotal	**5**	**2**	**7**
Hague branch			
Other level	5	–	5
Total, General Service and related	**10**	**2**	**12**
Grand total	**22**	**3**	**25**

75. Total resources under posts in the amount of $6,084,200 ($3,642,700 for the Arusha branch and $2,441,500 for the Hague branch) would provide for the 25 posts indicated in table 13. Resources under staff assessment in the amount of $1,196,900 ($774,600 for the Arusha branch and $422,300 for the Hague branch) would provide for the staff assessment for the temporary posts, as well as for general temporary assistance-funded positions. The 25 posts derive from the following:

(a) Continuation of 22 temporary posts, 11 in the Arusha branch (1 P-4, 3 P-3, 2 P-2, 4 Field Service, 1 General Service (Local level)) and 11 in the Hague branch (1 P-5, 3 P-3, 2 P-2, 5 General Service (Other level));

(b) Inward redeployment of three temporary posts (1 post of Librarian (P-3), 1 post of Library Assistant (Field Service), 1 post of Library Clerk (General Service (Local level))), which were previously presented under the Registry in the biennium 2016–2017, given that they are under the functional responsibility of the Mechanism Archives and Records Section.

76. Total non-post resources in the amount of $2,543,600 ($1,674,400 for the Arusha branch and $869,200 for the Hague branch) would provide for other staff costs, travel of staff, contractual services, general operating expenses, supplies and materials, and furniture and equipment.

77. The overall increase of $2,019,700 (the net effect of an increase of 2,049,300 in the Arusha branch and a decrease of $29,600 for the Hague branch) compared with the 2016–2017 final approved resources is attributable mainly to: (a) the redeployment of general temporary assistance requirements in Arusha from the Registry, where they were budgeted in 2016–2017, to the Mechanism Archives and Records Section; (b) the increase in resource requirements for three new general temporary assistance positions in The Hague to provide support for the additional audiovisual and digital archives workload projected for the biennium 2018–2019, offset by a decrease in requirements for furniture and equipment owing to the removal of the one-time provision for digital repository software and 500 terabytes of additional data storage included in the 2016–2017 budget.

E. Liabilities for payment of pensions of retired judges and after service health insurance benefits to former staff members

78. In section II, paragraph 8, of its resolution 70/243, the General Assembly requested the Secretary-General, in the context of future budget submissions for the Mechanism, to include a provision to fund the liabilities due within the related biennium for the pensions of retired judges, and their surviving spouses, and for after-service health insurance benefits to former staff of the International Criminal Tribunal for Rwanda, the Mechanism and, as appropriate, the International Tribunal for the Former Yugoslavia.

79. During the biennium 2016–2017, provisions were made in respect of pensions and after-service health insurance benefits to former International Criminal Tribunal for Rwanda judges and staff members, respectively.

80. The present report includes the estimated requirements for the biennium 2018-2019 in respect of former judges and staff members of the International Criminal Tribunal for Rwanda, as well as new requirements for former judges and staff members of the International Tribunal for the Former Yugoslavia, following the closure of that Tribunal at the end of 2017.

Table 14
Resource requirements: liabilities for payment of pensions of retired judges and after-service health insurance benefits to former staff members

Assessed budget

	Resources (thousands of United States dollars)		*Posts*	
Category	*2016–2017*	*2018–2019 (before recosting)*	*2016–2017*	*2018–2019*
Non-post	3 379.6	9 555.8	–	–
Total	**3 379.6**	**9 555.8**	–	–

81. The amount of $9,555,800, before recosting, would provide for the Organization's costs towards the after-service health insurance scheme and pension benefits to former staff members and retired judges, respectively, of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

82. The increase of $6,176,200 is due mainly to the new provision for after-service health insurance and pension benefits in respect of former staff members and retired judges, respectively, of the International Tribunal for the Former Yugoslavia and additional requirements resulting from a reassessment of the projected contributions in respect of after-service health insurance for former staff members of the International Criminal Tribunal for Rwanda.

III. Actions of the General Assembly

83. **The Secretary-General requests the General Assembly:**

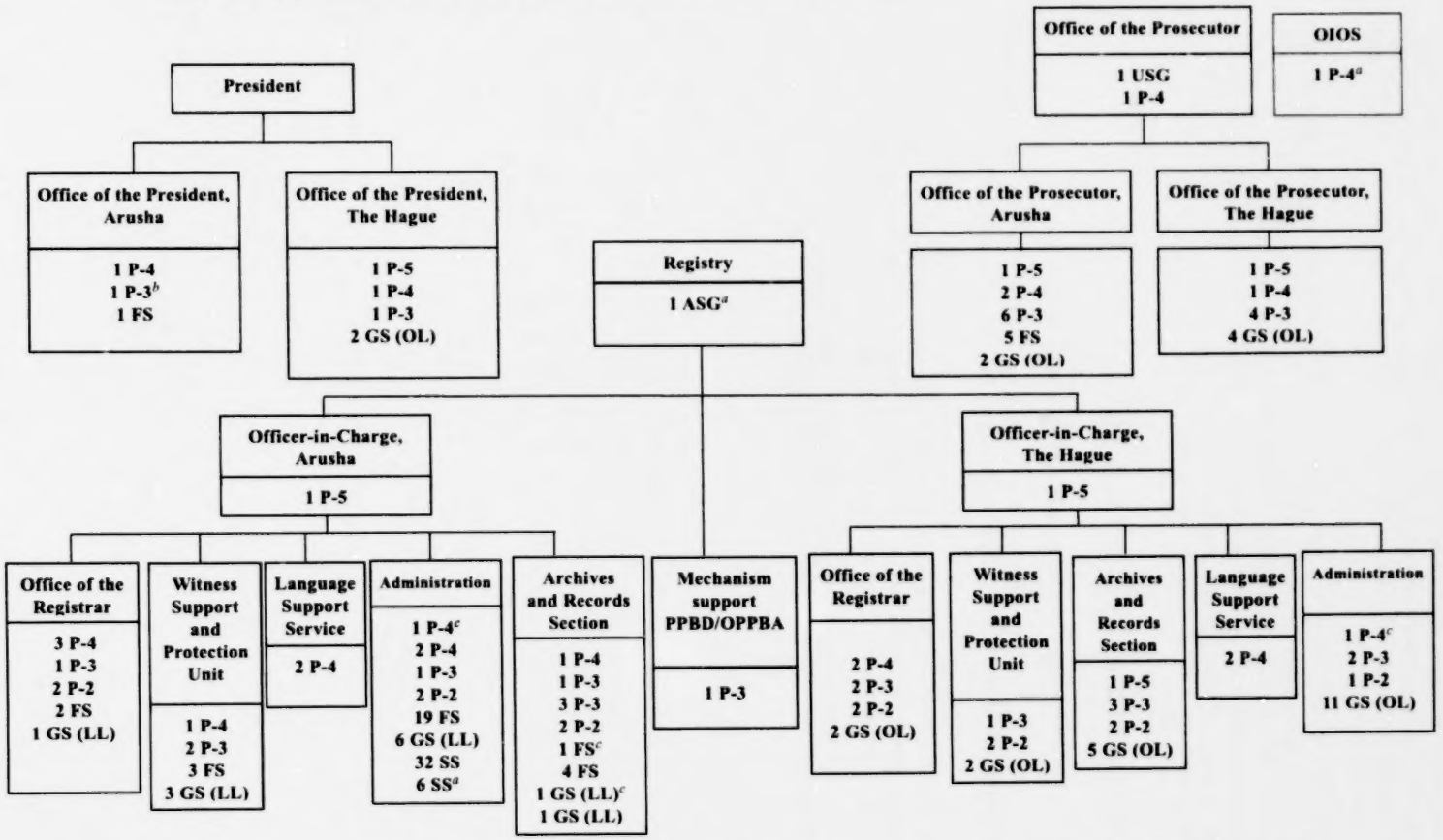
(a) To approve the revised budget proposals for the International Residual Mechanism for Criminal Tribunals for the biennium 2018–2019;

(b) To approve the establishment of eight new temporary posts (1 Assistant Secretary-General, 1 P-4 and 6 Security Service) and the proposed redeployment of posts under the Registry and the records management and archives components of the Mechanism for the biennium 2018–2019;

(c) To approve an appropriation of $197,358,300 gross ($176,191,200 net), after recosting, for the Mechanism for the biennium 2018–2019.

Annex I

International Residual Mechanism for Criminal Tribunals: organizational structure and temporary post distribution for the biennium 2018–2019



Abbreviations: ASG, Assistant Secretary-General; FS, Field Service; GS (OL), General Service (Other Level); GS (LL), General Service (Local level); OIOS, Office of Internal Oversight Services; OPPBA, Office of Programme Planning, Budget and Accounts; PPBD, Programme Planning and Budget Division; SS, Security Service; USG, Under-Secretary-General.

[a] New post.

[b] Reclassified post.

[c] Redeployed.

Annex II

Summary of follow-up action taken to implement relevant recommendations

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
Report of the Board of Auditors (A/72/5/Add.15)	
The Board recommends that the Mechanism ensure that the contract with the current owner of the premises is signed and that proper documentation on progress made in securing and renovating the office premises is maintained (para. 34).	The Mechanism has entered into a new lease with the landlord.
The Mechanism agreed with the Board's recommendation that the Mechanism ensure that all records in the repositories of the Archives and Records Section are clearly reviewed and mapped to the approved records retention schedules and that there is effective implementation through initiation of the appropriate disposition actions (para. 51).	The Mechanism's Archives and Records Section has commenced the remapping of the repositories to the newly approved records retention schedules.
The Mechanism agreed with the Board's recommendation that it review, update and test the disaster recovery plan of the Mechanism's Arusha branch and implement thereafter a comprehensive disaster recovery plan which considers all of the information systems and their dependencies (para. 72).	The Mechanism has undertaken a complete review of the disaster recovery plan of its Arusha branch and will ensure that it is implemented.
The Board recommends that the Mechanism expedite assessment and review of its information and communications technology (ICT) organizational structure to ensure that functions are located outside the ICT unit only for approved reasons, and that ICT functions are mainly consolidated and centralized so as to prevent the fragmentation of ICT expertise and capacity (para. 80).	The Mechanism is assessing and reviewing its ICT organizational structure, and the results will be further reviewed and approved by the Mechanism's ICT committee.
Report of the Advisory Committee on Administrative and Budgetary Questions (A/72/654)	
The Advisory Committee notes the significant increase in the resources requested for the Mechanism. In addition, a decision appears to have been taken to rely more heavily on the branch in The Hague without the provision of an adequate rationale. While acknowledging the anticipated judicial activity in The Hague in the biennium 2018–2019, the Committee considers that this significant increase in requirements for the Mechanism, primarily reflecting additional needs for its branch in The Hague, would to a large extent defeat the purpose of the decision to close the International Tribunal for the Former Yugoslavia and replace it with a residual mechanism, from an administrative and budgetary perspective. Furthermore, the Committee notes that a	The increase over the previous biennium's budget is unavoidable, owing primarily to the following factors: (a) heightened judicial activity encompassing three appeals and one retrial; (b) the discontinuation of double-hatted services from the International Tribunal for the Former Yugoslavia and cost-sharing arrangements with the Tribunal; (c) refocusing of the fugitives tracking capacity; (d) additional resources required for the new premises in Arusha; and (e) additional capacity required to address requests from national jurisdictions. While an increase in resource requirements is necessary, the Mechanism has revised its initial proposal to ensure that the increase is contained to the absolute minimum.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
new purpose-built facility for the Mechanism has recently been completed in Arusha at a final cost of $8,787,733 (see A/71/753, para. 74), while staff of the branch in The Hague are housed in rented premises (para. 16).	Revised staffing levels have been allocated, based on operational requirements at each branch, bearing in mind that the judicial work is to be conducted in the branch from which it originally emanates. Because the four major ongoing cases were formerly proceedings of the International Tribunal for the Former Yugoslavia, they are being conducted in the Hague branch, where the original proceedings took place. Furthermore, the distribution of resources between the two branches of the Mechanism has been revised significantly. The key positions of Prosecutor (Under-Secretary-General) and Registrar (Assistant Secretary-General), while common to both branches, are proposed to be stationed in Arusha. The Administration component at the Arusha branch has been furthered strengthened with the addition of staffing resources. The new purpose-built facility was designed to accommodate only continuous staff, with minimal ad hoc surges.
Given that this will be the first budget period in which the Mechanism fully absorbs the residual work of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, the staffing table for the biennium 2018–2019 can be considered to constitute the baseline for the resource requirements of the Mechanism going forward. The Committee trusts that the Secretary-General will address those concerns comprehensively through the formulation of a fully justified revised budget submission for the Mechanism (para. 17).	It should be noted that the Mechanism's continuous component constitutes the baseline resources required to support the mandated activities which are ongoing in nature. Resources over and above this baseline are provided in the form of ad hoc positions and are scalable up or down, depending on the workload. At the time of writing, it was anticipated that, by the end of the biennium 2020–2021, all major cases currently on appeal would have been completed and that the ongoing retrial would have moved to the appeal stage. Therefore, barring any new arrest, significant reductions in judicial support are expected by the end of the biennium 2020–2021. Such reductions will also bring about a consequential decrease in Administration support staffing levels. The present revised budget of the Mechanism takes into consideration the comments of the Advisory Committee.
In the absence of any detailed justification regarding the increased complexity of the responsibilities of the Chef de Cabinet position, the Committee recommends against the proposed abolishment of the temporary post of Chef de Cabinet (P-5) and its replacement by a general temporary assistance-funded position at the D-1 level. The Committee also notes that the proper procedure in cases of the expansion of responsibilities would be through a request for reclassification of an existing post, as needed (para. 18 (a)).	In view of the recommendation of the Advisory Committee, no D-1 level position has been requested in the revised budget, and the previously existing P-5 continuous post has been retained.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
In view of these observations, the Committee recommends against the redeployment of the posts of Prosecutor (Under-Secretary-General) and Special Assistant (P-4) from the Arusha branch to the Hague branch, at this stage (para. 18 (d)).	In line with the Advisory Committee's recommendation, and bearing in mind the other observations pertaining to the distribution of posts between the two branches of the Mechanism, the Prosecutor (Under-Secretary-General) and the Special Assistant (P-4) will not be redeployed from the Arusha to the Hague branch. In addition, the key position of Registrar (Assistant Secretary-General) will be established in the Arusha branch.
The Committee reiterates its recommendation that specific vacancy rates be applied to new posts, including a rate of 50 per cent for the Professional and higher categories and a rate of 35 per cent for the General Service and related categories (para. 19).	In view of the Committee's recommendation, a 50 per cent vacancy rate has been applied for new posts at the Professional and higher categories and a 35 per cent vacancy rate for the General Service and related categories.
The Advisory Committee considers that this significant increase should be further justified in terms of the actual operational needs of the Mechanism (para. 20).	The Mechanism undertook a thorough review of the resources required for the 2018–2019 biennium, based on the projected workload and fully taking into consideration the recommendations of the Advisory Committee. Regarding administrative support, the closure of the International Tribunal for the Former Yugoslavia necessitated the completion of the establishment of the stand-alone Mechanism Administration. The structures and levels of the Mechanism Administration have been considered solely on the basis of the Mechanism's programmatic and workload requirements and respond to the imperative that the Administration remain minimal in size and efficient in nature. It is important to note that the Mechanism Administration is not a replica of the Tribunal Administration. Rather, the Tribunal functions have been refocused to maximize efficiencies. Post numbers and levels have also been reduced compared with those of the Tribunal. The Administration provided double-hatted support to both the Tribunal and the Mechanism and, by the end of 2017, comprised a total of 65 positions, providing support primarily to the Mechanism. The present budget contemplates an initial component of 61 additional positions, which will gradually be phased down to 45 positions by the end of the biennium. At the same time, the revised budget foresees the downgrading of the positions of Chiefs of Section from the P-5 to the P-4 level. Notably, the Administration component at the Arusha branch has also been strengthened with the addition of staffing resources. In the interest of containing the level of the overall appropriation at a time of heightened ad hoc judicial activity, the proposed non-post items have also been revised downward, by postponing all acquisitions

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
	which are not imminently essential, such as that of vehicles. Similarly, in the substantive sections, all posts, both existing and new, have been reviewed and justified. They have been based on the functional needs of the Mechanism. Compared with the structure of the International Tribunal for the Former Yugoslavia, posts have been reduced and streamlined to match the distinct mandate of the Mechanism and to maximize efficiencies. Established ratios, based on best practices from both Tribunals, have been utilized to arrive at adequate staffing levels. The reductions have an operational impact and entail additional institutional risks.
In the view of the Committee, the closure of the Tribunal provides an opportunity to review the needs of the Mechanism to ensure that the operating expenses of the Mechanism are minimized to the greatest extent possible (para. 20 (b)).	Operating expenses have been revised and reduced to the greatest extent possible (e.g. by reducing operating hours and staff access to the Mechanism premises, reconfiguring the housing of staff in The Hague to reduce the number of floors in use and restructuring the delivery of other essential services, such as cleaning services).
The Committee recommends that the detention-related requirements be adjusted to the real needs (para. 20 (c)).	Detention-related requirements have been revised downward to reflect intervening developments, such as the transfers of convicted persons to designated enforcement States, and fully reflect the minimum operational needs at both branches. With the recent transfer of eight convicted persons, only two inmates currently remain at the Detention Facility in Arusha. The Mechanism anticipates their transfer in the course of 2018. In The Hague, there are currently 10 detainees, compared with 11 detainees projected in the original budget submission. Based on recent projections, it is anticipated that the cell capacity could be reduced from a block of 20 cells to a block of 12 cells in August 2018, rather than in May 2019 as originally projected.
The Committee requested, but was not provided with, the number of days worked by the judges in the biennium 2014–2015 and the biennium 2016–2017 to date. The Committee expects that information on the number of working days paid by the Mechanism will be included in the next budget submission (para. 20 (d)).	The number of days for which judges of the Mechanism received remuneration during the two previous bienniums and for the first two months of 2018 are as follows: 2014: De minimis 2015: 189 days Total for the biennium 2014–2015: 189 days 2016: 920 days 2017: 1,363 days Total for the biennium 2016–2017: 2,283 days 2018 to date (as at 28 February 2018): 182 days

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
	The remuneration of the President of the Mechanism, who is the only judge remunerated on a full-time basis in accordance with the Mechanism's statute, is not included in the figures set forth above. The above-referenced data do not reflect the total number of days worked by judges. This is because some judges did not submit claims for remuneration in relation to the work that they had completed and because a number of judges on the Mechanism's roster simultaneously served as judges of one or both Tribunals during some or all of the 2014–2015 and 2016–2017 bienniums and, accordingly, received a salary from one of the two Tribunals. The "double-hatting" judges would therefore not receive additional remuneration for work undertaken in the conduct of their functions at the Mechanism. Following the closure of the International Criminal Tribunal for Rwanda on 31 December 2015 and of the International Tribunal for the Former Yugoslavia on 31 December 2017, there are no longer any Mechanism judges who are double-hatting.
The Committee questions the rationale for making enhancements to the recently completed building in Arusha. The Committee considers that these enhancements should have been included in the resource requirements for the construction project. Similarly, the Committee is not convinced that improvements to the rented premises in The Hague should be made at the expense of the tenant (para. 20 (e)).	Enhancements to the premises in Arusha have been reduced to those strictly necessary to address intervening health and safety concerns, as well as audit recommendations. The proposed enhancements were not known during the planning phase of the construction project in 2012. In The Hague, no provisions have been included under this heading for the biennium 2018–2019, and related projects have been deferred.
The Committee intends to include the Mechanism in its expanded request to the Board of Auditors (para. 22).	The Mechanism takes note of this observation.
The Committee reiterates that the Mechanism's overall vehicle holding should be reviewed without delay with the aim of reducing it to the most recent and most needed vehicles, in accordance with the United Nations policy on the provision and use of official cars (see ST/AI/2006/1). Detailed information on this review should be included in the revised budget proposal. The Committee also recommends against the replacement of any vehicle at this stage (para. 24).	The Mechanism has reviewed its overall vehicle holding. Consistent with the recommendation of the Advisory Committee, no provision has been made in the revised budget for the acquisition of vehicles.
Considering that two temporary posts are being requested to perform audits and evaluations of the Mechanism on behalf of the Office of Internal Oversight Services (OIOS), the Advisory Committee is of the view that additional consultancy resources to support the OIOS evaluation are not justified (para. 25).	As recommended by the Advisory Committee, the revised budget does not propose the inclusion of additional consultancy resources to support the OIOS evaluation.

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
In the light of the elevated level of liquidation costs incurred in 2016–2017 for the International Tribunal for the Former Yugoslavia, the Advisory Committee considers that no additional resources for the liquidation of the Tribunal should be approved and that any such costs should be absorbed within the resources approved for the Mechanism for the biennium 2018–2019 (para. 27).	Pursuant to the Advisory Committee's recommendation, no additional resources have been requested in support of the residual liquidation of the Tribunal.